

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT COOKE,

Plaintiff,

No. CIV S-12-837 MCE CKD PS

vs.

COUNTY OF NEVADA, et al.,

Defendants.

ORDER

_____/

Plaintiff is proceeding in this action pro se and in forma pauperis. Plaintiff has filed an amended complaint. In the amended complaint, plaintiff alleges claims against individuals who are employees of the City of Reno and the County of Washoe, Nevada. Although plaintiff names as a defendant the County of Nevada, there are no claims alleged in the complaint against this defendant and plaintiff has attached as an exhibit to the complaint a note in which he states "There is no case against Nevada County." Plaintiff's claims arise out of an allegedly unlawful seizure of property from his home located in Reno, Nevada.

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject

1 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
2 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

3 In this case, it appears that defendants reside in Nevada and a substantial part of
4 the events giving rise to plaintiff’s claims occurred in Reno, Nevada, which is in the District of
5 Nevada, Reno Division. Therefore, plaintiff’s claim should have been filed in the United States
6 District Court for the District of Nevada. In the interest of justice, a federal court may transfer a
7 complaint filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v.
8 McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

9 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
10 United States District Court for the District of Nevada, Reno Division.

11 Dated: May 22, 2012

12 
13 CAROLYN K. DELANEY
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25
26

4
cooke.tra